

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMMAR HARRIS,

Case No. 2:22-cv-00293-JAD-NJK

Plaintiff,

ORDER

V.

CHARLES DANIELS, *et al.*,

Defendants.

I. DISCUSSION

On February 16, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form) and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a one-time opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **April 19, 2022**. Absent unusual

1 circumstances, the Court will not grant any further extensions of time.

2 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with
3 all three required documents or pay the full \$402 filing fee on or before **April 19, 2022**, this case
4 will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when
5 Plaintiff is either able to acquire all three of the documents needed to file a fully complete
6 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

7 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
8 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
9 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
10 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
11 **April 19, 2022** to proceed with this case.

12 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
13 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
14 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff
17 the approved form application to proceed *in forma pauperis* by an inmate, as well as the document
18 entitled information and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that on or before **April 19, 2022**, Plaintiff will either pay the
20 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative
21 fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
23 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
24 3),

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
26 (i.e. page 4 of this Court's approved form), and

27 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
28 **six-month period**.

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
3 on or before **April 19, 2022**, this case will be subject to dismissal without prejudice for Plaintiff
4 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
5 needed to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

6 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
7 No.1-1 but will not file it at this time.

8 DATED: February 28, 2022.

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11 NANCY J. KOPPE
12 UNITED STATES MAGISTRATE JUDGE
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